

IN THE CLAIMS:

The claims listed below replace all claims previously submitted.

1-27. (Canceled)

28. (Currently Amended) A method of a content provider for providing a content comprising digitized entertainment media, excluding advertisements, over a data network to a viewer/user, the content being offered with an option, comprising:

offering, by a content provider to a user to provide, over a data network from a content provider to a viewer/user, to provide a content associated with an a first option of making a choice on a content-by-content basis to receive accept either a the content without advertisement for which the viewer/user would pay a choice compensation to the content provider, or and a second option to receive accept a the content with advertisement for which the viewer/user would not pay the choice compensation to the content provider,

providing, from the content provider to the user over the data network, the content based on one of the first and the second options the user elects, wherein the content excludes advertisements,

the user is to pay a choice compensation when the user chooses the first option, and

the user is not to pay the choice compensation when the user chooses the second option.

29. (Currently Amended) The method of claim 28, wherein the data network comprises a content display device, an intelligent television, a computer, a personal digital assistant or a cellular telephone.

30. (Previously presented) The method of claim 28, wherein the data network comprises a communication layer, choice compensation module or a content module.

31. (Currently Amended) The method of claim ~~28~~29, wherein the ~~data network comprises a content display device~~ includes an intelligent television, a computer, a personal digital assistant, and a cellular telephone.

b' 32. (Currently Amended) The method of claim 28, wherein the ~~option is offered to a viewer/user [comprising]~~ user includes a viewer/user household or and an individual viewer/user.

33. (Currently Amended) The method of claim 28, wherein the choice compensation is determined based on the ~~viewing habit or demography of~~ rating of the viewer/user content.

34. (Currently Amended) The method of claim 33, wherein the ~~quality of the content~~ choice compensation is determined based on the viewing habit and/or demography of the ~~viewer/user~~.

35. (Currently Amended) The method of claim 28, wherein the ~~viewer/user chooses one of the first and the second options~~ chooses the content with or without advertisements by transmitting the choice over the data network to the content provider.

36. (Currently Amended) The method of claim 28, wherein the choice compensation is a fee assessed on the basis of the choice content payable to the content provider by the viewer/user, wherein the fee is determined based on the content offered.

37. (Currently Amended) The method of claim 28, wherein the advertisement to be received with the content offered when the second option is chosen is embedded in the content option comprises a choice to the viewer/user of selecting the content together with an embedded advertisement for which the choice compensation is not paid to the content provider.

38. (Currently Amended) The method of claim 28, wherein the viewer/user comprises a subscribing individual viewer/user or a subscribing viewer/user household.

39. (Currently Amended) The method of claim 28, wherein the optional content is determined based on to be provided with advertisement varies with the demographic profile of the individual viewer/user user's viewing habit or preference or the user's selection so as to match quantity of advertisement with the quality or cost of the content provided.

40. (Currently Amended) A system for a content provider providing to a viewer/user content over a data network a content with an offer of an option, comprising:

a content display device for ~~displaying~~ presenting content ~~comprising digitized entertainment media~~ to a user, ~~excluding advertisements~~; and

a ~~content storage device for storing content~~; and

a content server ~~having a processor for~~ in communication ~~communicating with~~ the content display device ~~and the content storage device wherein the content storage device has computer instructions stored thereon for loading content into a computer so as to cause the computer to perform a method program of,~~ capable of:

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offering to provide the ~~providing to a viewer/user over the data network the content with a first the option of allowing the viewer/user a choice between viewing a content having a program devoid of advertisement for which compensation is due, and viewing a content having a program containing an advertisement for which compensation is not due, and for communicating the selected option to the content provider and providing the content based on the selected option from the content provider to the viewer/user~~ receiving the content without advertisement and a second option of receiving the content with advertisement, and

providing, from a content provider to the user over the data network, the content based on one of the first and the second options the user chooses, wherein, the content excludes advertisements,

the user is to pay a choice compensation when the user chooses the first option, and

the user is not to pay the choice compensation when the user chooses the second option.

41. (Currently Amended) The system of claim 40, wherein the ~~data network is connected to an electronic computer readable medium for storing and transmitting instructions as to content and option selection~~ content includes digital content.

42. (New) The system of claim 40, wherein the content comprises visual content including video.

43. (New) The system of claim 40, wherein the content includes audio.

44. (New) The system of claim 40, wherein the content includes radio.

45. (New) A machine readable medium having stored thereon instructions that, when executed by a machine, result in the following:

offering, by a content provider to a user over a data network, to provide a content with a first option to receive the content without advertisement and a second option to receive the content with advertisement;

providing, from the content provider to the user over the data network, the content based on one of the first and the second options the user chooses, wherein the content excludes advertisements,

the content provider receives from the user a choice compensation when the user chooses the first option, and

the content provider does not receive the choice compensation when the user chooses the second option.

46. (New) A method for a content provider, comprising:

offering, over a data network, to provide content to a user with a first option to receive the content without advertisement and a second option to receive the content with advertisement, wherein the content excludes advertisements;

receiving, from the user, a choice of either the first option or the second option that the user elects;

providing, over the data network, the content to the user based on the received choice; and

receiving a choice compensation if the user elects the first option.

47. (New) A machine readable medium having stored thereon instructions that, when executed by a machine, result in the following:

offering, over a data network, to provide content to a user with a first option to receive the content without advertisement and a second option to receive the content with advertisement, wherein the content excludes advertisements;

receiving, from the user, a choice of either the first option or the second option that the user elects;

providing, over the data network, the content to the user based on the received choice; and

receiving a choice compensation if the user elects the first option.

48. (New) A method for a content user, comprising:

receiving, from a content provider over a data network, an offer to provide content with a first option to receive the content without advertisement and a second option to receive the content with advertisement;

electing either the first option or the second option;

transmitting the election to the content provider;
paying a choice compensation if the election corresponds to the first option;
and
receiving the content transmitted by the content provider over the data
network based on the election.

49. (New) A machine readable medium having stored thereon instructions
that, when executed by a machine, result in the following:

receiving, from a content provider over a data network, an offer to provide
content with a first option to receive the content without advertisement and a second
option to receive the content with advertisement;

electing either the first option or the second option;
transmitting the election to the content provider;
paying a choice compensation if the election corresponds to the first option;

and
receiving the content transmitted by the content provider over the data
network based on the election.